



South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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### House Week in Review

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The issue of term limits, which dominated the legislative week of January 24-26, saw virtually no action on the floor of the House this past legislative week. The proposed constitutional amendment to limit terms of legislators and statewide-elected officials had failed to get the two-thirds vote necessary for passage on January 25, although the House shortly thereafter voted to reconsider the vote by which it failed to give the proposal a two-thirds majority. Much of the debate on the term limits proposal centered on whether such limits such be made retroactive---in other words, should these limits apply to service already completed by legislators and state officials or should the limits only apply to future service? The House remained sharply divided on this question at the end of that week. On Tuesday, January 31, the measure was recommitted to the House Judiciary Committee, while still retaining its place on the House Contested Calendar. The next day, the House Judiciary Committee recommended that term limits be made retroactive to January 1995 for House members and statewide-elected constitutional officers and January 1997 for senators. On Thursday, February 2, however, the House voted again to adjourn debate on the measure, this time until Tuesday, February 7.

Much of this past week was spent taking up a supplemental appropriations bill, H. 3361, which was introduced to appropriate approximately \$38.8 million from Fiscal Year 1993-1994 surplus state revenues for a number of purposes, with the largest appropriations for the upcoming renovation of the State House (\$17 million), economic development projects (\$5 million) and Forestry Commission firefighting equipment (\$4.6 million). Several amendments were offered to spend a small portion of these supplemental funds on efforts to ensure that federal military installations remaining in South Carolina are not adversely impacted by further congressional action on base closings, but these proposals were rejected by the House. Another amendment, also rejected, proposed using the entire \$38.8 million in these surplus funds for residential property tax relief. Also arising on two occasions during debate on H. 3361 was the issue of the flying of the Confederate Flag above the State House. One amendment required all items (portraits, flags, etc.) subject to removal from the State House pursuant to renovations funded by H. 3361 to be returned to their original location following renovation completion, but the Speaker ruled this amendment out of order. A few minutes later, however, another amendment was proposed with the same purpose in mind, except that this amendment, unlike the earlier one, appropriated a maximum of \$5,000 for purpose of putting these items back into place after completion of State House

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renovations. This time the Speaker ruled the amendment in order, as it referred to a specific dollar amount to be used for purpose of putting the items in their former place, and a motion to table this amendment was rejected by a vote of 47 to 65, although shortly later the amendment was rejected by voice vote. Supporters of the amendment claimed they were simply intending to maintain the "status quo" in terms of current placement of items in the State House, but opponents claimed that whether or not one supported continued flying of the flag, a supplemental appropriations bill was not the place to be taking up such an issue. After a long and contentious afternoon, the House on Wednesday gave second reading to this joint resolution by voice vote.

Other legislation moved through the House rapidly last week, with the House on Wednesday giving approval to H. 3096, which expands the statutory definition of "violent crime" to include homicide by child abuse; and H. 3132, which allows persons to serve as jurors up to once a year. The House also gave approval to two measures which shorten the legislative session. H. 3164, a proposed constitutional amendment to move the starting date of the session from the second Tuesday in January to the second Tuesday in February in odd-numbered years only, passed the House by a 107-8 vote, while H. 3165, a bill to move up the mandatory adjournment date for the session from the first Thursday in June to the second Tuesday in May, passed by voice vote. Both these measures to shorten the session have been approved by the House in recent sessions, although the measures have never won Senate approval. On Thursday, the House gave approval to H. 3019, which increases penalties for unlawful use or alteration of a driver's license, and to H. 3178, which requires public schools to provide for a minute of mandatory silence at the beginning of each school day.



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### Bills Introduced

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The following bills were introduced in the House on the legislative week of January 31-February 2. Not all bills introduced this past week are featured in the Update. The bill summaries are arranged according to the committee to which the legislation was introduced.

#### AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

Longer Season for Hunting Rabbits (H. 3413, Rep. Townsend). Currently, the season for hunting rabbits in South Carolina's 11 game zones runs from September 1 through the day before Thanksgiving Day without use of weapons, and from Thanksgiving Day through March 1 with use of weapons. If this legislation is adopted, however, the season for hunting rabbits in all game zones without weapons would run from February 16 through the day before Thanksgiving Day, with day and night hunting on private lands only; and the season for hunting rabbits with weapons would run from Thanksgiving Day through February 15. For purposes of night hunting under these provisions, "night" means the time between 1 hour after official sundown of a day and 1 hour before official sunrise of the following day.

Natural Resources Districts (H. 3418, Rep. Sharpe). This bill changes current references in the Code of Laws from "soil and water conservation districts" to "natural resources districts" and in the process changing the name of the State's "Soil and Water Conservation Districts Law" to the State's "Natural Resources Districts Law."

Longer Quail Hunting Season in Game Zone 8 (H. 3424, Rep. Hines). This bill extends the final date of the season for hunting quail with weapons in Game Zone 8 (Darlington, Lee and Sumter Counties) from March 1 to March 15, such that the season for hunting quail with weapons in this zone would run from Thanksgiving Day through March 15. The season for hunting quail without weapons in this zone would remain the same---October 1 through the day before Thanksgiving Day.



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Requirements for Location of Agricultural Facilities and Agricultural Waste Disposal Areas (H. 3446, Rep. Sharpe). This bill provides requirements for location of production and waste areas of agricultural facilities. Under these provisions, production and waste areas of these facilities must be located at least 200 feet from the center line of public roads; at least 100 feet from private potable wells (200 feet from public potable wells); at least 100 feet from a watercourse of the State; at least 50 feet from a ditch or swale; and at least 1,000 feet from occupied or occupiable residences (such as mobile homes, motels, camps, etc.), although the 1,000 foot requirement can be waived with the consent of the residences's owner. Additionally, these areas of the facility must be located on property zoned for agricultural uses (when zoning restrictions apply) and must be outside the 100-year flood plain if not protected from flooding.

Agricultural waste disposal areas must be located at least 100 feet from a watercourse of South Carolina; at least 100 feet from private potable wells (200 feet from public potable wells); at least 200 feet from property lines (although the adjacent property owner may agree to a distance of not less than 100 feet); at least 50 feet from a ditch or swale; at least 300 feet from a public place; and when zoning restrictions apply, on property zoned for agricultural uses.

The bill also deletes a provision concerning when agricultural facilities or operations at such facilities are not deemed nuisances because of changing conditions in the surrounding locality, so that such facilities or operations are not deemed nuisances (because of changing local conditions) regardless of how long the facility or operation has been in existence. Currently such facilities and operations may be deemed nuisances if they have been in business for under 1 year.

Additionally, if all applicable permit requirements established by state and federal law are met for operation of an agricultural facility in an area zoned for agricultural uses, then no permit necessary for establishment or operation of the facility can be suspended, denied or revoked by enforcement of a local ordinance. This prohibition, however does not apply when a nuisance results from negligent, illegal or improper operation of a facility or from a facility located within a city's corporate limits.

Requirements for Restraint of Dangerous Animals (H. 3447, Rep. Sharpe). Current law prohibits a person owning or caring for a dangerous animal from allowing the animal to go beyond his premises unless safely restrained. This bill would impose an additional requirement for permitting the animal to go beyond his premises, such that the owner also must meet the registration requirements for the animal (including proof of liability insurance) and place identification on the animal. The bill also would allow the owner registering the animal with the county law enforcement authority to provide a surety bond of at least \$50,000 (as an

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alternative to the current requirement of providing proof of liability insurance in at least that amount).

**No Hunting of Migratory Waterfowl in Certain Areas on Lake Murray** (H. 3448, Rep. Spearman). This bill prohibits hunting of migratory waterfowl on Lake Murray within 300 yards of a residence, business, public or private dock without written permission of the owner and occupant. Violation of these provisions is a misdemeanor, punishable upon conviction by a fine of not more than \$200 or imprisonment of not more than 30 days.

**Additional Authority for State Livestock-Poultry Health Commission** (H. 3452, Rep. Riser). This bill revises a number of provisions pertaining to South Carolina's State Livestock-Poultry Health Commission (established in 1994), as follows:

---Provides that the State Livestock-Poultry Health Commission is to execute the State's Poultry Products Inspection Law.

---Amends the definition of "public livestock market" pursuant to the Commission's jurisdiction so that this type of market may handle one or more species, instead of one or more families, of livestock according to terms of a permit.

---Clarifies a reference to Federal Regulations as pertains to reporting to the State Veterinarian existence of diseases which may have an adverse impact on the state's livestock-poultry industry.

---Increases from 4 to 6 the maximum number of livestock law enforcement officers the Commission may employ.

---Increases from \$200 to \$500 the maximum fine which may be imposed on a person convicted a first time of violating provisions falling under the jurisdiction of the Commission.

---Makes it optional, instead of mandatory, for the Commission to provide services of veterinarians at auction sales of public livestock markets.

**Revised Penalties for Violations of Laws or Regulations Pursuant to State Crop Pest Commission** (H. 3453, Rep. Riser). This bill makes it a misdemeanor to violate any state laws (as opposed to only those laws specifically listed in the Code under "State Crop Pest Commission") assigned to that Commission's purview and increases the maximum fine which may be imposed for a first time violation of these provisions from \$200 to \$500, while also providing that a person convicted of violating these provisions must be fined or imprisoned (under current law, a person may be both fined and imprisoned for violating these provisions). The bill also requires a licensee to take another examination if his license is not renewed by April 1, as currently opposed to the end, of the calendar year following its expiration.



## EDUCATION AND PUBLIC WORKS

Elimination of Biennial Fee for Purple Heart License Plates (H. 3414, Rep. Townsend). This bill deletes the biennial fee and biennial issuance of special license plates for Purple Heart recipients, instead requiring that these plates be permanent (unless otherwise provided by the General Assembly) and that no fee be charged for issuance or renewal of these plates. (This bill is similar to H. 3273, introduced the second week of the 1995 session, with the only difference being that H. 3414 requires the plate to be permanent unless otherwise provided by the General Assembly, while H. 3273 does not place any such condition on the plate's permanence--i.e., H. 3273 simply states the plate "must be a permanent plate.")

Teaching of Biological Origins Other Than Through Macroevolution Permitted (H. 3462, Rep. Fair). This bill permits school districts to allow the teaching of biological origins that does not have as its basic premise naturally-occurring life (i.e., macroevolution). For these purposes, "macroevolution" is the premise that life evolved from nonlife or that randomness and chaos produced order and design. Textbooks discussing origins may be approved at the local school district level and must be approved by the local school board.

Purpose of Comprehensive Health Education Program (H. 3464, Rep. Fair). This bill specifies that the purpose of the State's Comprehensive Health Education Program is to promote general good health practices and reduce the incidence of sexual activity among school age youth. The bill also requires the State Board of Education to assure the compliance of the State Department of Education with this program.

Posting of Certain Writings and Documents in Public School Without Content-Based Censorship (H. 3465, Rep. Fair). Under these provisions, local school boards of trustees may permit teachers or administrators to read or post excerpts and portions of various national documents, records, etc. in the public schools. More specifically, the bill would permit posting of excerpts or portions of (1) the National Motto; (2) the National Anthem; (3) Pledge of Allegiance; (4) the preamble and other provisions of the South Carolina Constitution; (5) the Declaration of Independence; (6) the Mayflower Compact; (7) writings, speeches, etc. of signers of the Declaration of Independence or U.S. Constitution, or U.S. presidents; (8) opinions of the U.S. Supreme Court; and (9) acts of Congress (including published text of the U.S. Congressional Record). The bill also prohibits any content-based censorship of American history or heritage in South Carolina based on religious inferences in those writings, documents and records.



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**No Use of "New Age" Religious and Occult Philosophies/Methods of Instruction Allowed in Public Schools** (H. 3466, Rep. Fair). This bill prohibits the teaching, use or promotion of occultic practices, tenets or philosophies in public school classrooms. These practices include, but are not limited to (1) hypnosis or inducing an altered consciousness; (2) techniques that teach that physical reality can be controlled solely by mind power; and (3) the idea that morals are relative [moral relativity]. Any public school employee violating these provisions is subject to disciplinary action as determined by the local school board. For purposes of this act, "classroom" is a place of instruction where more than 1 student is present but does not include a counselor's or psychologist's office in which a student is receiving treatment for which authorities have obtained parental consent.

**Home School Students Permitted To Participate in Interscholastic Activities of the School Districts Where They Reside** (H. 3467, Rep. Fair). This bill permits home school students to participate in interscholastic activities (such as athletics, music and speech) in the school district where he resides if he meets several conditions. Under these provisions, in order to participate:

(1) The student's home schooling program must be approved by his school district's board of trustees or conducted under the auspices of the South Carolina Association of Independent Home Schools;

(2) The student meets all school district eligibility requirements except for the district's school or class attendance requirements and the class/enrollment requirements of the associations administering interscholastic activities;

(3) The student is achieving academic and promotion standards prescribed by either the school district board or the Association of Home Schools.

(4) The student must fulfill the same responsibilities and standards of behavior and performance required of other students participating in the activities and must meet the same standards for acceptance on the team and squad.

(5) The student resides within the attendance boundaries of the school in which he seeks to participate in interscholastic activities.

The bill also prohibits a public school student who has been unable to maintain academic eligibility from being eligible to participate in interscholastic activities as a home school student for the following year. For purposes of establishing academic eligibility for subsequent school years, the student must meet the academic and promotion standards as required by home school students to become eligible for the next year.

**New School Buses Must Be Equipped With Lap or Shoulder Harness Safety Belts** (H. 3473, Rep. J. Brown). This bill requires school buses purchased after June 30, 1996 to be equipped with lap or shoulder harness safety belts. The State Department of Education would promulgate regulations on the type and specification of these belts to be installed on these buses (A bill introduced several weeks ago, H. 3014, requires all

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school buses regardless of purchase date to be equipped with these safety devices; this bill also was referred to the House Education and Public Works Committee.)

Exemption from Teacher Certification Renewal Requirements (H. 3477, Rep. Neilson). This bill exempts teachers with 18 or more years of teaching experience from any further teacher certification renewal requirements.

Public School Students May Be Excused from Class To Attend Off-Campus Religious Instruction (H. 3482, Rep. Fair). This bill requires a school district board a trustees to excuse a student from school to attend a class in religious instruction if the following criteria are met:

- (1) the student's parent or guardian gives written consent;
- (2) the sponsoring religious institution maintains attendance records and makes the records available to the student's school;
- (3) complete responsibility for transporting the student to and from the religious institution rests with the sponsoring religious institution, parent or guardian;
- (4) the religious institution assumes liability for the student while he is excused; and
- (5) no public school personnel are involved in providing the religious instruction.

Classes in religious instruction must be timed to coincide with the regular daily class schedule at the middle, junior or high school level, while participating students at the elementary school level must be excused a minimum of 1 hour weekly for this instruction. The student participating in this religious instruction must make up any missed work but cannot be considered absent from school while attending that instruction. The district board of trustees must develop a policy providing reasonable parameters for this release time.

Extension of Expiration Date for Motor Carrier Registration Cards and Identification Markers (S. 414, Sen. Peeler). This joint resolution extends the expiration date for motor carrier registration cards and identification markers from March 31, 1995 to December 31, 1995 and prohibits the Departments of Revenue and Taxation or Public Safety from penalizing motor carriers or vehicles which have faded, expired or missing markers when operating here during this extension period. The extension is being sought because South Carolina, on January 1, 1996, will enter into a reciprocal reporting agreement with other states that will no longer require issue of these cards and markers.

## JUDICIARY

Additional Information Required on Statements of Economic Interest (H. 3417, Rep. L. Whipper). This bill requires anyone who is mandated to



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file a statement of economic interests with the State Ethics Commission to include in that statement information listing total compensation and fees paid or accrued for service as a consultant, director or trustee and other fees earned by him while working for the State or any of its agencies or political subdivisions, or while using property of the State or its agencies/political subdivisions. For purposes of this bill, "total compensation" includes base, fringe benefits, retirement or deferred compensation amounts or arrangements, gifts, goods, services and honoraria.

Increased Service Fees for Fraudulent Checks (H. 3419, Rep. Cromer). This bill increases from \$20 to \$25 the service charge which must be paid to the payee (i.e., merchant, business, etc.) by a person who issues a fraudulent check (i.e., check drawn on insufficient funds or which contained illegible/incorrect signature).

Persons Under 18 Exempt from Lobbying Law (H. 3420, Rep. Haskins). Current law requires anyone acting as a lobbyist to register with the State Ethics Commission. This bill would exempt persons under the age of 18 from state law requiring such registration and regulation of lobbyists.

Lobbying Restriction Period for Former Public Officials, Members or Employees Increased From 1 Year to 2 Years (H. 3422, Rep. Rogers). Current law requires a former public official, former public member or former public employee to wait one (1) year following termination of service in his respective public position before he may (1) lobby, (2) represent clients before the agency or department on which he formerly served; or (3) accept employment from a person regulated by the agency or department on which the former public official, etc. served or was employed, if these activities involve a matter in which the former public official, member or employee directly and substantially participated during his public service or employment. However, if this legislation is adopted, the former public official, member or employee must wait two (2) years before being permitted to engage in these activities. If adopted, these provisions would be effective July 1, 1996.

No Counterclaims Permitted for Custody in Action for Modification of Child Support (H. 3425, Rep. Neilson). This bill prohibits a party from counterclaiming for custody of a child in an action brought for modification of the amount of the child support. These provisions do not preclude a person from bringing a separate action for custody; however, if an action for custody is brought subsequent to an action for modification of child support, then the actions cannot be joined, and the modification action must be finally resolved before the custody action may be heard.

Records of Cases Before Administrative Law Judge (H. 3426, Rep. Harrison). Current law requires hearings and proceedings concerning contested cases before the Administrative Law Judge Division to be transcribed and open to the public. This bill revises requirements of the Division pertaining to these hearings and records, such that a full and



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complete record of all contested cases and regulation hearings before an Administrative Law Judge must be kept. Additionally, while all testimony must be reported, it need not be transcribed unless a party makes such a request, with that party responsible for costs involved in transcribing.

Procedures for Review of Decisions of Administrative Law Judges In Cases Involving Departments Governed by Board or Commission (H. 3427, Rep. Harrison). Current law provides for both quasi-judicial and judicial review of final decisions of administrative law judges (ALJ) of cases involving departments governed by a board or commission, with quasi-judicial review conducted by the appropriate board or commission and (if the party is aggrieved by the board's final decision in such a case) judicial review performed by the Circuit Court in the county where the action arose. This bill deletes provisions pertaining to quasi-judicial review of final decisions of ALJ in these particular cases involving board or commission-governed departments, so that there is only judicial review of those cases (as is currently the case for ALJ final decisions involving departments governed by a single director or professional and occupational licensing boards within the Department of Labor, Licensing and Regulation).

Concurrent Jurisdiction of Family Courts and Magistrate and Municipal Courts to Include Violation of Litter Laws (H. 3445, Rep. Wilder). Current law provides that magistrate courts and municipal courts have concurrent jurisdiction with family courts for trials of persons under age 17 charged with traffic or various wildlife and watercraft violations (when these courts would have jurisdiction of the offense charged if committed by an adult). This bill also would grant to the magistrate courts and municipal courts concurrent jurisdiction with the family court over youth charged with litter violations.

Affirmative Approval of Regulations by the General Assembly (H. 3451, Rep. Cato). This bill requires affirmative approval of a regulation by the General Assembly before the regulation can become effective, instead of the current procedure by which a regulation becomes effective if a joint resolution to approve it is not enacted within 120 days of the regulation's submission to the General Assembly or if no joint resolution to disapprove it (the regulation) has been introduced by the standing committee to which the regulation was referred for review. Under these provisions, if a joint resolution to approve or disapprove a regulation is not enacted by final adjournment of the second year of the 2-year legislative session, then the regulation is deemed permanently withdrawn.

Penalties for Crimes of Harassment and Stalking and Issuance of Injunctions To Prohibit This Conduct (H. 3459, Rep. Martin). This bill deletes current provisions pertaining to penalties for harassing and stalking while enacting newer provisions to address those crimes.

Under these provisions, "harassment" is defined as a pattern of intentional, substantial and unreasonable intrusion into the private life

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of another person (such as through following the targeted person as he travels or conducting surveillance of his residence) which causes that person and would cause a reasonable person in his position to suffer mental distress. "Stalking" is a pattern of words or conduct intended to cause and causing a targeted person, while also causing a reasonable person in the targeted person's position, to fear such things as bodily injury to or damage to the property of the person or member of his family. "Aggravated Stalking" is stalking accompanied by or followed by an act of violence. Penalties for the crimes of harassment and stalking are as follows:

### (1) Harassment Penalties

(1) (in general): Misdemeanor punishable by fine of not more than \$200 and/or imprisonment not exceeding 30 days;

(2) (within 7 years of prior conviction of harassment or stalking of that person, or when injunction or restraining order is in effect): Misdemeanor punishable by fine of not more than \$1,000, imprisonment of not more than 1 year, or both.

### (2) Stalking Penalties

(1) (in general): Misdemeanor punishable by fine of not more than \$1,000, or imprisonment of not more than 1 year, or both;

(2) (when injunction or restraining order prohibiting this conduct is in effect): Misdemeanor punishable by fine not exceeding \$2,000, or imprisonment not exceeding 2 years, or both;

(3) (within 7 years of prior conviction of harassment against or stalking the same person): Felony punishable by fine not exceeding \$5,000, imprisonment not exceeding 5 years, or both.

### (3) Penalties for Aggravated Stalking

(1) (in general): Felony punishable by fine not exceeding \$5,000, imprisonment not exceeding 5 years, or both;

(2) (when an injunction or restraining order prohibiting this behavior is in effect): Felony punishable by fine of not more than \$7,000, or imprisonment not exceeding 10 years, or both;

(3) (within 7 years of a prior conviction of harassment against or stalking of the same person): Felony punishable by fine not exceeding \$10,000, imprisonment of not more than 15 years, or both.

The court, prior to sentencing a person convicted of stalking, may require the person to undergo a mental health evaluation, and if the evaluation reveals the person needs mental health treatment or counseling, then the person is required to undergo such treatment or counseling.

The bill also allows for the issuance by magistrates of temporary restraining orders, designed to protect the plaintiff and enjoining the defendant from abusing, threatening to abuse the plaintiff or his family;



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entering the plaintiffs's place of residence, work, etc., or communicating with the plaintiff in a manner violative of these provisions. The restraining order may be of duration of up to 6 months, but may be extended by order of the court for good cause; otherwise, the order must expire 6 months after issuance, unless prior to expiration of the period the defendant has been charged with and has scheduled a trial date for harassment or stalking, in which case the restraining order is in effect beyond the 6-month period only until the end of the trial. Violation of a restraining order is punishable by a fine of \$500, or imprisonment of 30 days, or both, in addition to ordinary contempt proceedings. Law enforcement officers must arrest defendants acting in violation of these restraining orders service and notice of the order have been provided; no arrest warrant is required in that situation.

These provisions also exempt from criminal and civil liability anyone who, while acting in good faith, reports alleged harassment or stalking; files complaints for restraining orders; or participates in judicial hearings pertaining to these crimes. Furthermore, proceedings commenced under these provisions are in addition to other civil and criminal remedies.

Revision of Determination of Fees and Costs in Estate and Conservatorship Proceedings in Probate Court (H. 3460, Rep. Shissias). Under current law, fees for estate and conservatorship proceedings in Family Court are based upon gross value of the property (whether the property is probate or non-probate property). If this legislation is adopted, however, the fees will be based on the schedules listed on the probate court form, with the fee based only on the value of the probate property. These provisions would be retroactive to August 15, 1994, so that persons who paid a probate fee pursuant to current law may petition the court to seek a refund of the difference between that due prior to passage of H. 3460 and that which would be due following its passage. If the court finds the petition in order, then the refund must be paid within 30 days.

Officials Cannot Change Party Affiliation During Their Term in Office (H. 3461, Rep. Lloyd). This bill prohibits any candidate who executes his political party pledge (i.e., agreeing to abide by his party's primary results and not run against his party in the general election) and is subsequently elected in the general election to that office from changing his party affiliation and offering as a candidate for another office during that term of office for which he was elected. An officeholder violating these provisions is deemed to have vacated the seat for which he was elected. However, these provisions do not prohibit a public official from filing under a different party affiliation at the next time he files for re-election to his office. If adopted, these provisions would apply to offices filled beginning with the 1996 general election.



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Definition of "Marital Property" for Purposes of Equitable Apportionment (H. 3474, Rep. Neilson). This bill provides that for purposes of equitable apportionment of marital property in divorce actions, real property owned by a third person is not considered marital property.

Terms of Family Court Judges Reduced from 6 to 4 Years (H. 3475, Rep. Neilson). This bill reduces from 6 years to 4 years the length of terms of judges of the Family Court. However, those Family Court judges serving 6-year terms when these provisions become effective would continue to serve their current term and then be subject to the 4-year term requirement at the time of their re-election.

Creation of Judicial Nominating Commission (H. 3476, Rep. Neilson). This bill creates a Judicial Nominating Commission, the purpose of which is to assist the General Assembly in selection of qualified persons to serve on the State Supreme Court, Court of Appeals, Circuit Court and family Court.

This commission consists of 15 members, who serve staggered 4-year terms. 6 members are appointed by the governor (1 from each congressional district); 6 members are elected by the General Assembly (also with 1 member from each congressional district), while 3 at-large members are appointed by the Chief Justice of the Supreme Court. Two of the members appointed by the governor, 3 of the members elected by the General Assembly, and all 3 members appointed by the Chief Justice must be attorneys licensed to practice in South Carolina; the remaining 7 commission members must be lay members representing the general public who are not attorneys licensed to practice in this state. Commission members may not serve more than 2 consecutive terms (including filling of unexpired term of a former commission member), nor are they eligible for consideration or selection as a judge or justice for these 4 court systems while serving on the commission and for 3 years after ceasing to serve on the commission. Vacancies must be filled in the manner of original selection.

The bill provides for the organization, meetings and compensation of commission members (with "compensation" limited to per diem, mileage and subsistence provided to member of other boards, etc.) and gives the commission responsibility for determining when vacancies are to occur in these courts (including when an incumbent judge or justice seeks re-election) and for determining qualifications of those seeking nomination by the commission. The state court administrator must notify each judge and justice whose term expires in a particular year of this fact by July 1 of the preceding year, and the judge or justice is assumed to be seeking another term unless he notifies the administrator within 30 days after being so notified that he is not seeking re-election. The administrator must notify the commission of the choice made by the incumbent judge or justice by August 15 of the preceding year. The bill requires the panel to notify the Supreme Court, State Bar and newspapers of vacancies on these

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courts. Persons seeking nomination as a judge or justice must apply to the commission and grant the commission a general waiver allowing it to obtain information the commission considers necessary to make an informed judgment of the applicant's qualifications.

In judging an applicant's qualifications, the commission must investigate, among other things, the applicant's experience, legal ability and judicial temperament and must hold a public hearing concerning a candidate's qualifications. Persons seeking to provide testimony at the hearing must do in writing and under oath, with anyone furnishing false information subject to penalties provided by law for perjury and false swearing. During the investigation, the commission may go into executive session, where the commission may interview the candidate pertaining to his qualifications. The commission also may administer oaths, takes depositions and issue subpoenas to compel attendance of witnesses and production of papers, books and other records. No person is excused from attending and testifying at these hearings, or producing documents for them, on grounds that such activities would incriminate him or subject him to penalty or forfeiture, although this person may not be prosecuted for his testimony or evidence after claiming his privilege against self incrimination. The public hearing requirement may be waived by the commission chairman if there is no known opposition to an incumbent judge or justice seeking re-election, no substantial reason to hold a hearing, and no request for such hearing is made by at least 10 House members and 5 Senators.

After examining qualifications of candidates, the commission must submit to the General Assembly the 3 candidates it considers best qualified for the position under consideration, although the commission may submit only 1 name for the positions of Chief Justice of the Supreme Court and Chief Judge of the Court of Appeals. If the commission concludes that fewer than 3 applicants are qualified for a vacancy, then it must submit only those determined qualified with an explanation. The General Assembly is prohibited from electing a judge or justice who was not nominated by the commission, but this does not prevent the General Assembly from rejecting all nominees, in which case the commission must submit additional nominees. The name of an incumbent judge or justice seeking re-election must be forwarded by the commission to the General Assembly, although the commission also may submit up to 2 other nominations for that office. If the incumbent judge or justice is rejected by the General Assembly, then the commission must submit additional nominations.

The bill also prohibits anyone, whether on his or another's behalf, from seeking a vote pledge or soliciting the vote of a legislator, and also prohibits a legislator from pledging his vote to anyone seeking a judicial vacancy, until the Commission has furnished its nominees for the position to the General Assembly.



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**Term Limits for Judiciary** (H. 3478, Rep. Neilson). This proposed constitutional amendment would limit members of the Judiciary elected by the General Assembly (i.e., Supreme Court, Court of Appeals, Circuit Court and Family Court) to 12 years' service in the judicial position to which the person was elected. Service in a different judicial position would not constitute prior service for purposes of this 12-year limit (in other words, a person, for example, could serve 12 years on the Circuit Court and then 12 years on the Supreme Court.) This limitation would apply whether the 12 years' service in that particular position was consecutive or nonconsecutive. This proposal contains a "grandfather clause," such that judges and justices serving in office when this constitutional amendment is ratified would be allowed to finish their current term and then (if re-elected) serve 12 additional years. If approved by the General Assembly (requires two-thirds approval of the members of each the House and Senate), this proposed constitutional amendment would be submitted to the voters at the November 1996 general election.

**Definition of "Violent Crime" Expanded to Include Common Law Crime of Assault and Battery of High and Aggravated Nature** (H. 3480, Rep. Seithel). This bill expands the statutory definition of "violent crime" to include the common law crime of assault and battery of a high and aggravated nature.

**Practicing Homosexuals and Users of Illegal Intravenous Drugs Prohibited from Donating Blood** (H. 3481, Rep. Fair). This bill prohibits practicing homosexuals or users of illegal intravenous drugs from donating blood while engaged in these practices or activities and for 10 years after ending such behavior. Violation of these provisions is a felony, punishable upon conviction by a fine of not more than \$10,000 or imprisonment not exceeding 5 years. No part of the sentence issued under these provisions may be suspended, nor may the person convicted of this crime be paroled until he has served the entire term for which he was sentenced.

**Minors May Not Use or Possess Tobacco Products** (H. 3483, Rep. Fair). Current law prohibits anyone from selling or providing tobacco products to a minor (in this case, a person under age 18), with penalty upon conviction for this misdemeanor being a fine of between \$25 and \$100 and/or imprisonment of between 2 months and 1 year. If this legislation is adopted, minors also would be prohibited from using or possessing tobacco products, and if convicted a minor would be subject to the same penalties as a person who sells or provides these products to a minor.

**Definition of "Legislative Caucus" Pursuant to State Ethics Act Includes a Freshman Caucus** (H. 3484, Rep. Fleming). This bill expands the definition of "legislative caucus" under the State's Ethics Act to include a caucus based on year of election (i.e., "freshman caucus").

**Term Limits for Members of State Boards and Commissions Appointed by the Governor or Elected by the General Assembly** (H. 3485, Rep. Seithel).



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This bill prohibits anyone from being appointed by the Governor or elected by the General Assembly to a state board or commission who has served the longer of 2 successive full terms or 8 successive years on that board or commission. This limitation, however, does not prevent a person from being elected or appointed to a state board or commission, and persons currently serving on boards or commissions whose tenure exceeds the 2-term or 8-year limitation may complete their current term. Life members of the Clemson University Board of Trustees are exempt from these term limitations. (NOTE: This differs from H. 3118, introduced the first week of session and currently pending in the House Judiciary Committee, in that H. 3118 limits these same board and commission members to the longer of 2 successive full terms or 12 successive years; additionally H. 3118 allows a person subject to this term limitation requirement to be elected or appointed to the same board or commission after an absence of 2 years.)

Drawing and Uttering of Checks Given for Payment of Preexisting Debts (H. 3486, Rep. Tripp). This bill specifies that current provisions pertaining to writing fraudulent checks, drafts or other written orders do apply to checks given in full or partial payment of a pre-existing debt which resulted from a revolving credit account.

Definition of "Military Firearm" Excludes Certain Weapons (H. 3489, Rep. Koon). For purposes of weapons offenses and use and possession of firearms, this bill excludes from the definition of "military firearm" any weapon consisting primarily of a blade, any rifled firearm firing a projectile of .55 caliber or less, any shotgun, any pistol or any other weapon which is permanently inoperable.

South Carolina Truth to Voters Act (H. 3490, Rep. Govan). Current law requires candidates for any State office, Congress or solicitor to be voted for in a party primary election to file a pledge indicating that as a candidate filing for nomination, he will abide by the results of the primary and not offer for that office or campaign against his party's nominees for office(s) in the ensuing general election. This bill provides that any candidate making this pledge who subsequently is elected in the general election to that office and then changes his party affiliation while serving in that office is deemed to have vacated his office. The vacancy would be effective upon the date of change in party affiliation, with the office declared vacant and to be filled as provided by law. If adopted, these provisions are effective for offices filled beginning with the 1996 general election and all subsequent elections.

Reduction in Percentage Needed To Avoid Runoffs in Party Primaries (H. 3491, Rep. Govan). Under current law, a candidate must win a majority of votes cast in a party primary in order to be declared the winner, with a runoff required if no candidate receives a majority in the first primary. If this legislation is adopted, however, a candidate in a party primary could avoid a runoff if he receives the most votes and wins at least 40 percent (in other words, he would be declared the winner of the

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primary, and thus nominated, if he won at least 40 percent and also ran ahead of any other candidate in that primary).

Out-of-State Attorneys Not Licensed to Practice in South Carolina May Provide Pro Bono Legal Service to Indigent Citizens in South Carolina (S. 116, Sen. Rose). This bill allows attorneys licensed to practice in other states or jurisdictions, but not licensed to practice in South Carolina, to provide pro bono legal services to indigent South Carolinians, in the manner as provided by rule of the State Supreme Court.

Revised Penalties for Taking Child Out Of State With Intent to Violate Custody Order (S. 316, Sen. Courtney). Current law prohibits a person from transporting a child under age 16 out of South Carolina or to keep him outside the state for purposes of violating a child custody order, with the offense being a felony (punishable by fine at the discretion of the court and/or maximum imprisonment of 3 years) except in the case where the person returns the child to the court within 7 days after the child's removal, in which case this crime is a misdemeanor (punishable being the same as the felony). This bill increases from 3 to 5 years the maximum imprisonment which may be imposed when this crime is committed as a felony while reducing from 5 to 3 years the maximum imprisonment imposed when this crime is committed as a misdemeanor.

Ratification of Constitutional Amendment To Allow General Assembly To Provide by Law for Age and Qualifications of Coroners (S. 322, Sen. Rose). This joint resolution ratifies the constitutional amendment adopted by the voters in last November's general election which allows the General Assembly to provide by law for the age and qualifications of sheriffs.

## LABOR, COMMERCE AND INDUSTRY

Lower Percentage for Defining "Unreasonable" Use of Reinsurance Facility (H. 3428, Rep. Felder). Under current law, a prima facie case of excessive or unreasonable utilization of the State's Reinsurance Facility is demonstrated when an insurer or group of insurers under the same management cedes or is about to cede more than 35 percent of total direct cedeable written premiums on South Carolina auto insurance. If this bill is adopted, unreasonable or excessive use of the Facility would consist of ceding more than 20 percent of those premiums.

No Ceding of Certain Policies to Reinsurance Facility (H. 3429, Rep. Felder). This bill specifies that the Director of the Department of Insurance (as currently opposed to the "Department") may promulgate or approve plans pertaining to auto insurance credits and discounts. The bill also provides that any auto insurance credit or discount plan other than that promulgated by the Department's director or his designee which



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nonetheless is given to an insured under these provisions cannot be ceded to the Reinsurance Facility.

**Notice Requirements for Renewal of Certain Insurance Policies** (H. 3440, Rep. Harvin). This bill requires notice for renewal of individual and group accident and health insurance policies to be given to the policyholder at least 60 days before the policy's anniversary date. The bill also increases from 31 to 60 days the minimum written notice an insurer must give to an insured when intending not to renew the insured's accident and health insurance policies.

**Service Area of South Carolina Public Service Authority** (H. 3449, Rep. Law). Under current law, the South Carolina Public Service Authority's service area in Berkeley County excludes those areas in the county served by South Carolina Electric and Gas Company and the Berkeley Electric Cooperative. This bill specifies for purposes of delineating the respective service areas, the area served by the Berkeley Cooperative is that shown on Authority Drawing No. 5032-E08-0047A (as currently opposed to that drawing number without the "A" on the end, i.e., ending with 47). This map shows designated areas of that county served by the Authority and the Cooperative.

**Reinsurance Facility** (H. 3450, Rep. Cato). This bill requires the Board of Governors of the Reinsurance Facility, after June 30, 1995 and annually thereafter, to authorize a licensed rating organization approved by the Director of the Department of Insurance to file with the Director an expense component for private passenger auto insurance rate or premium charges and a pure loss component for such insurance written by those auto insurers designated to serve an area (because of insufficient marketing outlets, etc.) by the Director, for risks written by them through producers so designated by the Director. Upon approval of the components, those auto insurers so designated to serve an area by the Director for risks written by insurers through producers also designated under those provisions, must utilize these final rate or premium charges. However, these final rate or premium charges must be discounted from the actuarially indicated rates so that the projected combined loss ratio for risks subject to final rate or premium charges is 115 percent. This rate adjustment must occur evenly over a 4-year period, and Reinsurance Facility recoupment charges must be reduced to the extent of resulting reductions in Facility operating losses. Cost reductions realized in operating results of the Reinsurance Facility through solicitation of bids for services used or paid for by the Facility must be applied exclusively to reduction of recoupment charges on all policies of private passenger auto insurance written in South Carolina.

The bill also allows member companies of an affiliated group of auto insurers (i.e., group of auto insurers under common ownership, management or control) to utilize different rates for auto insurance coverages in accordance with rating plans filed with and approved by the Director of the Department of Insurance. This utilization is for purposes of providing



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the lowest possible auto insurance rates, reducing the number of insureds insured through the Reinsurance Facility, and reducing recoupment charges paid by all policyholders. The rating plans may provide for different rates and rating plans among affiliated companies, along with different rating tiers within the same company. Approval of these plans by the Director is mandatory, provided the rates produced are not excessive, inadequate or unfairly discriminatory. Each member of a group of affiliated insurers is not to be considered a separate insurer for purposes of compliance with laws governing writing, cancellation or renewal of auto insurance policies. The bill also provides that movement of a policy (1) from one company to another within a group of affiliated companies, or (2) to a different tier within one company resulting in a different rate for the insured can only occur on the renewal date of the policy.

Requirements for Items Purchased By Pawnbroker (H. 3455, Rep. Witherspoon). This bill requires any item purchased by a pawnbroker to be held for 30 days and displayed in the pawnshop before being disposed of, sold, altered or moved from the location at which it was purchased in South Carolina. This requirement does not apply, however, to items purchased by a pawnbroker on invoice from a manufacturer or wholesaler with an established place of business.

Return of Lost or Stolen Property Accepted for Pawn Without Charge (H. 3456, Rep. Witherspoon). Current law prohibits a pawnbroker from accepting property from a pledgor upon which there is evidence of ownership by a third party without first taking reasonable steps to ascertain its true ownership and requires such items accepted for pawn by a pawnbroker to be returned on demand without fee to the third party owner. This bill specifies that lost or stolen items accepted for pawn also must be returned on demand and without charge to the third party owner.

Newly-Constructed Service Stations or Convenience Stores Selling Gasoline and Food or Beverages Must Provide Public Restrooms (H. 3472, Rep. J. Brown). This bill requires any service station or convenience store constructed after June 30, 1996 and which sells gasoline and food or beverages to be equipped with a public restroom. (A bill introduced earlier this session, H. 3024, would also have required existing service stations and convenience stores to be equipped with public restrooms, but this bill was tabled by the House Labor, Commerce and Industry Committee on January 26.)

Revised Procedures for Copying and Reproduction of Banking Records (H. 3496, Rep. Cotty). Current law allows depository institutions such as banks to permit copying or reproduction of promissory notes and records kept by the institution through a photostatic, photographic or microfilming process, with the institution (following such copying or reproduction) allowed to dispose of the original record. This bill expands these provisions so that any corporation, institution or association whose



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deposits are federally-insured, or any agency or nonprofit organization designated by the State to originate or hold educational loans made to or on behalf of students, may permit the copying or reproduction of promissory notes, checks, drafts and records kept by the entity. In addition to currently permitted means (e.g., microfilming, etc.), reproduction may be accomplished through electronic graphic imaging through scanning, digitizing or other means, and the printed reproduction is considered an original record for all purposes. The bill also adds two requirements which must be met for the reproduction to be treated as an original (for purposes of admissibility into evidence in courts or administrative agencies), whether or not the institution retains the record, namely: (1) the original document otherwise qualifies as a business record pursuant to the South Carolina Uniform Business Records as Evidence Act or the appropriate state or federal rules of evidence, and (2) a "custodian" or "other qualified witness" (as these terms are used in appropriate state or federal rules of evidence) certifies that the printed reproduction is a true and correct copy of the original.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

Establishment of Veterans' Cemeteries (H. 3421, Rep. Keegan). This bill allows the Department of Veterans Affairs to establish one or more cemeteries for burial of veterans and their immediate families. The Department may accept land in the name of the State or otherwise acquire land for these cemeteries upon approval of the county governing body where the cemetery is to be located; that county's legislative delegation; and the Budget and Control Board. The bill sets criteria for selection of cemetery sites (for example, allowing the Department to accept or purchase federal land formerly used for military bases) and requires the Department to supervise and maintain these cemeteries.

In order to qualify for a plot in these cemeteries, the applicant must be a veteran or a member of an immediate family of a veteran. The veteran must have an honorable discharge from the Armed Forces and must have been a South Carolina resident upon entering the Armed Forces, at death, or for 20 years (with the Department allowed to waive the 20-year requirement for compelling reasons). In a plot allotted to the veteran, the Department must bury the veteran and any member of his immediate family (if the family member can be buried above or below the veteran). The department must bury the veteran without charge, while members of his immediate family must be buried for a fee or by use of Social Security allowance, with the fee or allowance not exceeding the cost of burial. A plot awarded under these provisions must be located at the cemetery closest to the veteran's residence (in order the Department receives applications and assuming all plots have not been obtained). Funding to the Department for acquisition and construction of these cemeteries is to



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be provided by the General Assembly in the annual general appropriations act or in a state capital improvement bond bill.

**Medical Radiation Health and Safety Act (H. 3439, Rep. Harvin).** This bill is designed to protect persons from excessive and improper exposure to ionizing radiation, through establishment of standards of education and examination and licensure of persons using radioactive materials or equipment emitting this radiation on humans for diagnostic and therapeutic purposes.

Under these provisions, only a licensed practitioner or radiologic technologist licensed pursuant to these provisions can use ionizing radiation or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes. Nor may a person knowingly employ as a radiologic technologist a person required by these provisions to hold a license if the person does not hold a license issued under this act. No person holding a license issued pursuant to this act may use radioactive substances or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes unless under direction and supervision of a licensed practitioner and unless so directed by prescription of a licensed practitioner. Certain persons (such as licensed nurses) applying ionizing radiation to humans, however, are exempt from the licensing requirements of this act.

In order to carry out these provisions, the bill creates a 7-member South Carolina Radiologic Technologists Board of Examiners, with the members appointed by the governor to staggered 3-year terms. The bill provides for organization of and qualifications to serve on the board and conditions under which the governor may remove board members (such as for neglect of duty). The board is responsible for establishing licensure standards for radiographers; radiation therapists; limited practice radiographers and nuclear medicine technologists. The board must also promulgate regulations to carry out these provisions, evaluate qualifications of persons seeking licensure, and establish license and examination fees. The board also may establish continuing education requirements. The bill lists qualifications for admittance to licensure examinations and conditions under which examination requirements may be waived and temporary licenses issued. Licenses (other than temporary) granted pursuant to these provisions are valid for 2 years, after which they must be renewed for that length of time.

The board is empowered to investigate activities of a license applicant or a person already licensed under these provisions and may deny, revoke, suspend or otherwise restrict a license or impose other disciplinary action on an applicant or licensed radiologic technologist for a number of reasons, including, among others, conviction for a felony; engagement in activities beyond the scope of his license; or failure to observe radiation safety principles. Before the Board imposes sanctions on a licensee or denies issuance of a license, however, it (the board) must provide a hearing in accordance with the State's Administrative Procedures



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Act. A decision by the board to revoke or suspend a license or certificate or to otherwise discipline a licensee must be by majority vote of the board. Furthermore, if the board has sufficient evidence that a person is violating these provisions, the board then may issue a cease and desist order prohibiting a person from violating this act. A person violating such an order is subject to further proceedings before the board and may be subject to a maximum fine of \$300 for each transaction violating this order, with each day's violation constituting a separate violation.

The bill makes it a misdemeanor, punishable upon conviction by a fine not exceeding \$300 and/or imprisonment not exceeding 6 months, for anyone to violate these provisions or regulations promulgated pursuant to these provisions. The bill also sets temporary fees for the conducting of examinations and obtainment of licenses, with permanent fees to be promulgated by regulations of the board.

Revision to Physical Fitness Services Act (H. 3444, Rep. Wilder). Under the State's Physical Fitness Services Act, the term "physical fitness services" includes, among other facilities, tanning centers. This bill revises the definition of these services so as to provide that "tanning services" excludes barbershops registered with the State Board of Barber Examiners or beauty salons licensed by the State Board of Cosmetology which offer tanning services, or tanning centers which have only 1 tanning bed.

Person Cannot Serve on Local Foster Care Review Board if the Subject of Report of Child Abuse or Neglect or if Convicted of Certain Criminal Offenses (H. 3463, Rep. Harrison). This bill prohibits a person from serving on a local foster care review board if he is the subject of an indicated report or affirmative determination of abuse or neglect as maintained by the Department of Social Services (DSS) in the Central Registry of Child Abuse and Neglect or if he has been convicted of or has pled guilty or nolo contendere to any of the following:

(1) an "offense against the person" (e.g., murder, criminal sexual conduct, etc.);

(2) an "offense against morality or decency" (such as prostitution);  
or

(3) contributing to the delinquency of a minor.

Before appointment or reappointment is made to a local foster care review board, the Division for Review of the Foster Care of Children, Office of the Governor, must submit a list with names, addresses and social security numbers of persons nominated to serve on those local boards to DSS (for a record check of determinations of child abuse) and to SLED (for criminal records background check). A list of persons serving on the boards also must be submitted annually to DSS for a record check to certify that no current board members are serving in violation of these provisions. The bill also prohibits DSS from charging the Division for these record checks.

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**State Agencies May Not Dispense Contraceptives to Minors Without Parental Notice** (H. 3468, Rep. Fair). This bill prohibits any state agency from providing contraceptives to a minor unless the agency notifies the minor's parent or guardian. A minor providing written notice signed by a parent, legal guardian or grandparent or obtaining a judicial order allowing a person to provide contraceptives may receive these devices. Procedures for obtaining judicial consent to receive these items must be established by the Family Court. Violation of these provisions is a misdemeanor, punishable upon conviction by imprisonment of not more than 90 days.

**Marriage License Applicants Must Be Tested for Sexually-Transmitted Disease** (H. 3469, Rep. Fair). This bill requires anyone applying for a marriage license to present to the probate court judge a certificate signed by a licensed physician indicating that the applicant has been given a standard serologic test for sexually transmitted diseases (such as HIV). This statement also must be signed by the person the applicant desires to marry, as witnessed by the physician, and the test must have been conducted within 30 days preceding application for this license. The bill makes it a misdemeanor (punishable upon conviction by a fine of not more than \$200 or imprisonment not exceeding 30 days) for the probate court judge to issue a marriage license to a person who does not present the certificate or for the applicant or physician to knowingly make a false statement on the certificate.

**No Foster Care Placements with Persons Who Are Homosexual or Bisexual** (H. 3470, Rep. Fair). This bill prohibits a child from being placed in foster care with a person who is homosexual or bisexual and also prohibits a child from being placed for adoption with a person (1) with a substantiated history of child abuse or neglect; (2) who has pled guilty or nolo contendere to or has been convicted of an "offense against the person" [such as murder, criminal sexual conduct, etc.], an offense "against morality and decency" [such as prostitution, distribution of obscene material, etc.] or contributing to delinquency of a minor [such as encouraging a minor to be truant, violate any law, etc.]; or (3) who is homosexual or bisexual.

## WAYS AND MEANS

**Crediting of Interest Accruing on State Highway Fund and Federal Aid Highway Fund** (H. 3415, Rep. Stille). This bill requires interest accruing on the State Highway Fund to be credited to that fund, while interest accruing on the Federal Aid Highway Fund must be credited to this Federal Fund.



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**Medical Schools Receiving State Appropriations Must Report Certain Financial Information** (H. 3416, Rep. L. Whipper). This bill requires each medical school receiving an appropriation from the State to provide a report containing certain financial information to the General Assembly by August 1 of each year. This report must specify, for the prior fiscal year, total compensation (including such items as cash, fringe benefits and retirement accounts) paid or accrued by the medical school and its affiliates from all sources to or for each officer, dean, department chairman and each of the 50 most highly-compensated physicians employed by or utilizing the facilities of the medical school or its affiliates. The report also must include a description and the source of each element of the compensation.

Under these provisions an "affiliate" is any entity controlled by or under common control with another entity and includes each professional staff office or practice of each medical school receiving a State appropriation, along with each trust or foundation which has as one of its significant purposes the support of a medical school receiving a State appropriation.

**Retirement Service Credit** (H. 3423, Rep. P. Harris). This bill allows members of the South Carolina Retirement System or South Carolina Police Officers Retirement System who establish credit for non-member service to irrevocably choose to establish less than the total of the member's non-member service.

**Property Tax Exemption for Boat Trailers** (H. 3438, Rep. Witherspoon). This bill provides a property tax exemption for all boat trailers, with this exemption applying to property tax years beginning after 1994.

**Compensatory Time for State Employees Who Perform Inspections of Businesses or Companies Which Operate on Legal Holidays** (H. 3454, Rep. McElveen). Under these provisions, a state agency head may allow an employee to receive compensatory time when performing inspections of businesses or companies which operate on legal holidays.

**State Funds May Not Be Used To Pay for Abortions** (H. 3471, Rep. Fair). This bill prohibits the use of state funds to pay, whether directly or indirectly, for abortions.

**Department of Education Must Develop Minimum Salary Schedule** (H. 3479, Rep. Neilson). This bill requires the Department of Education to develop a minimum salary schedule for teachers, with this schedule including minimum salaries for teachers with 0 to 30 years' experience. The 30-year experience scale must be phased in based on a determination made each year in the Annual General Appropriations Act. While this schedule is being phased in, additional experience increments must not have the effect of reducing any existing pay increments.

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County Transportation Committees May Receive Mileage at the State Rate from County's C-Fund Allocation (H. 3493, Rep. Stuart). Current law requires the appointment of transportation committees for the purpose of approval of expenditure of C-fund money and allows these committees to spend up to \$1,000 annually for reasonable administrative expenses directly related to committee activities (such as mailings, correspondence, etc.). This bill authorizes members of each of these committees to receive mileage reimbursement at the rate provided by law for members of state boards, committees and commissions, with these reimbursements paid from the C-funds allocated to the county and subject to the \$1,000 limit on administrative expenses.

**WITHOUT REFERENCE**

Investment of Banking Corporations in Real Estate Mortgages (H. 3443, House Labor, Commerce and Industry Committee). This bill is identical to a bill introduced several weeks ago (H. 3153), which deletes a provision in the State's banking laws that limits the maximum amount of a banking corporation's capital stock and deposits which can be invested at any one time in real estate mortgages.

Designation of South Carolina Home-Grown Tea as Official Hospitality Beverage of the State (H. 3487, Rep. Hutson). This bill designates South Carolina grown tea as the official hospitality beverage of the State.

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